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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,345	11/17/2003	Wang Gang	C7.12.1	2401

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11/14/2005

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EXAMINER

KEENAN, JAMES W

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/715,345	Applicant(s) GANG, WANG	
	Examiner James Keenan	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/14/04</u> . | 6) <input type="checkbox"/> Other: ____ |

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1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because they are copies of photographs which did not reproduce well and are too dark for an adequate understanding of the invention. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance. **No new matter should be entered.**

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not clear how the lever is "operable to contract the ... frame members together" and how the locking member is "movable in an upward direction when the lever is operated", as set forth in claim 1 (similar language in claim 16). Although the written specification provides basis for this disclosure, the drawings, as noted above, fail to adequately show the structure necessary to perform these functions.

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4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, "operable to contract" is vague in that insufficient structure is set forth;

and line 6, "the arm" should apparently be --each arm--.

In claim 4, "member" should apparently be --assembly--.

In claim 11, --inclined-- should apparently be inserted after "upwardly", and "self-adapting" is vague.

In claim 16, lines 3-4, it is not clear what is meant by "the frame member having ... frame members", this renders the reference to "the frame member" in line 8 unclear as well.

In claim 19, "self-adapting" is vague.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1-12 and 15-19, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Coccaro (US 4,854,803, cited by applicant) in view of Coccaro (US 4,690,605, cited by applicant) and Cameron (US 3,788,604).

Coccaro '803 shows an apparatus for jacking and dollying a vehicle wheel assembly, comprising caster wheel mounted U-shaped frame assembly 10 including first and second telescoping tubular frame members 36, 38 each having an arm 14, 16 on which are mounted roller assemblies 22, 24 movable into engagement with the vehicle wheel assembly when the frame members are contracted in response to a foot pedal lever 102 connected to the frame assembly.

Coccaro '803 does not show the roller assemblies to comprise plural rollers, although it is disclosed that "other forms of roller assemblies could also be used". Coccaro '803 also does not disclose a locking member movable through aligned holes in the frame members, although a substantially similar and functionally equivalent ratchet and pawl mechanism is used.

Coccaro '605 shows a similar jacking/dollying apparatus in which the roller assemblies comprise plural rollers 106, 128.

Cameron shows a jacking device comprised of telescoping tubular members 2, 5 with a locking member 19 selectively movable in and out of aligned holes 4, 8 when a lever assembly 32, 35 is operated to extend or contract the tubular members relative to one another.

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It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified Coccoaro '803 by utilizing plural rollers on the roller assemblies, as shown by Coccoaro '605, as this would simply be the substitution of a well known roller assembly in the same environment and for the same purpose. It further would have been obvious for one of ordinary skill in the art at the time of the invention to have modified Coccoaro '803 by replacing the ratchet and pawl mechanism thereof with a locking mechanism which moves in and out of aligned holes in the telescopic frame members as the lever is operated, as shown by Cameron, as this would simply be the substitution of an alternate equivalent means of producing step-by-step relative movement of telescopic members for a lifting function.

Re claims 7-8 and 17-18, Coccoaro '803 discloses friction reducing means (col. 8, lines 20-24), but they are not spring members. Nevertheless, to have further modified the apparatus of Coccoaro '803 with spring means as the friction reducing means would have been an obvious design expediency which one of ordinary skill in the art would have found to neither require undue experimentation nor produce unexpected results.

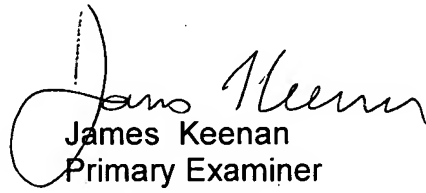
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 571-272-6925. The examiner can normally be reached on (schedule varies).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eillen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James Keenan
Primary Examiner
Art Unit 3652

jwk
11/9/05